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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,789	03/22/2004	Orin A. Roberson	14.1200	9944

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EXAMINER
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GUIDOTTI, LAURA COLE

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/805,789

Applicant(s)

ROBERSON, ORIN A.

Examiner

Laura C. Guidotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the handle comprising an internal tube and an external tube (Claims 4-5) wherein the external tube further comprises a groove and the internal tube has a knob attached (Claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 1-9 are objected to because of the following informalities:

Claim 1 recites the limitation "the converting of the device" in Lines 11-12. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the movement" in Line 13. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hofte et al., US 2005/0011536.

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Hofte et al. disclose the claimed invention including a handle (30), a base connected to the handle (40), the base having a flat top and a flat bottom surface (see Figures 1, 6, 7), the bottom surface having a cleaning element attached thereto (a cleaning pad or wipe, paragraph 60) to be in contact with a surface to be cleaned with the device when used in a pushing motion (paragraph 67; Figure 1), a sweeping element (20) positioned on the top side of the base (see Figures 1, 6, and 7), the sweeping element to be in contact with a surface to be cleaned with the device when using a sweeping motion (Figures 6 and 7), a hinge component that attaches the base to the handle (130 or 51) and facilitates converting the device from one position to another position as desired (paragraphs 84-85), and a guide mechanism that facilitates movement of the sweeping element during converting the device from one position to the other position (240; see Figures 6-7 wherein the sweeping element extends further from the base in Figure 6 than in Figure 7). Regarding Claim 2, the hinge component is a joint rotary bracket (as it is a universal joint component with a bracket, see Figure 10; or 151 and 251, paragraph 93) and a hold component (the unlabeled portion on the top surface of the base that receives and connects to the universal joint as shown in Figure 10), and regarding claim 9, it appears that the hold component has a U-shape which forms a channel through which the handle can extend (see Figure 10, see other Figures as well). Regarding Claim 7, there is an elastic means attached to the sweeping element (paragraph 81).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hofte et al., US 2005/0011536 in view of Wasserman, USPN 1,710,598.

Hofte et al. disclose all elements above, however do not include a cover over the sweeping element.

Wasserman teaches that it is desirable to protect a sweeping element (10) by placing a cover over it (13; Page 1 Lines 4-9).

It would have been obvious for one of ordinary skill in the art to modify the device of Hofte et al. by further including a cover over the sweeping element, as Wasserman teaches, in order to protect the sweeping element from external elements.

6. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofte et al., US 2005/0011536 in view of Varga, USPN 6,213,672.

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Hofte et al. disclose all elements above, however do not include a handle having an internal tube and an external tube.

Varga teaches a telescoping pole and cleaning tool (Title) wherein the handle comprises an internal tube (22) and an external tube (24), wherein the internal tube and external tube are capable of movement relative to the position of the internal tube (as they are telescopic, Column 4 Lines 19-34) (Claims 4-5). Regarding claim 6, the handle further comprises a groove in the external tube extending in a defined length along a side of the external tube (26 or 30) and a knob attached to the internal tube (28), the knob extending through the groove to provide a means to move the internal tube relative to the external tube (Column 4 Line 41 to Column 5 Line 25). This handle having an internal tube and external tube is beneficial for cleaning and is lightweight, buoyant, and inexpensive (Column 2 Lines 31-44; Column 1 Lines 19-21).

It would have been obvious for one of ordinary skill in the art to substitute the handle of Hofte et al. for one that has an internal and an external tube, such as the handle that Varga teaches, so that the handle will be telescopic, lightweight, and will be inexpensive to manufacture.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hofte et al., US 2005/0011536 in view of Brown, USPN 1,545,392.

Hofte et al. disclose all elements above, however do not include a rotary joint bracket further comprising a first and second section that form an L-shape.

Brown discloses a pivoting mop that has a rotary joint bracket that has a first section (16) for receiving a handle (18) and a second section (17) for engaging a hold

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component (11), wherein the first and second sections of the joint bracket form an "L-shape" (see Figures 1, 3, 5, there is an L formed between the intersection of the first and second portions). Additionally, the hold component (11) has a U-shape that forms a channel (Figure 6).

It would have been obvious for one of ordinary skill in the art to substitute the rotary joint bracket of Hofte et al. for the one having a first and second section that forms an L-shape, as Brown teaches, so that the handle is only pivotal in about a single point.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GLADYS JP CORCORAN  
SUPERVISORY PATENT EXAMINER